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December 20, 2018

**BY ECF**

Honorable David E. Peebles  
United States District Magistrate Judge  
Northern District of New York  
100 South Clinton Street  
Syracuse, New York 13261

**Re: Denise Payne v. Cornell University**  
**Civil Index No.: 18-cv-1442**

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Dear Your Honor:

Please be advised, I am counsel to Denise Payne ("Plaintiff") in the above-referenced matter. I write with consent of Defendant's, to respectfully propose a filing schedule for the parties' anticipated pleadings.

Plaintiff started this action by Summons with Notice in the New York State Supreme Court, Tompkins County on November 7, 2018. Defendant filed a Demand for a Complaint on November 15, 2018 and thereafter removed this case to this Court. Following discussions between counsel, Plaintiff's time to file a complaint in this action was extended and Plaintiff has not yet filed a complaint in response to Defendant's demand.

Accordingly, Plaintiff proposes the following schedule for filing the parties' anticipated pleadings:

Plaintiff's deadline to file a complaint

January 2, 2019

Defendants' deadline to Answer or otherwise  
respond to Plaintiff's complaint

Within 60 days of Plaintiff's  
receipt of a Waiver of service  
from Defendant's counsel

This additional time is needed in light of the upcoming and recently past holidays, and several scheduling conflicts including the undersigned's mandatory presence at hearings in separate matters in Des Moines, Iowa and Denver, Colorado. Plaintiff notes that the above requested schedule conflicts with the currently scheduled initial conference in this matter, scheduled for January 18, 2019. Accordingly, in light of the foregoing and due to the undersigned's mandatory appearance on January 18<sup>th</sup> in the Southern District of New York in the matter Duarte v. St. Barnabas Hospital, Index No.: 15-cv-6824, the undersigned respectfully



ATTORNEYS AT LAW

requests that the initial conference be adjourned to a later date and time that is convenient for the court. The undersigned has conferred with Defendant's counsel regarding this adjournment request and Defendant's counsel does not object to adjourning the initial conference.

Counsel remains available should Your Honor have any questions or concerns. Thank you for your time and consideration of this application.

**Respectfully submitted,  
NESENOFF & MILTENBERG LLP**

By: Gabrielle Vinci  
**Gabrielle M. Vinci, Esq.**

CC: All counsel (Via ECF)